

Hope A. Del Carlo, OSB No. 00241
Oregon Law Center
921 SW Washington, Suite 516
Portland, OR 97205
hdelcarlo@oregonlawcenter.org
Telephone: (503) 473-8319
Facsimile: (503) 295-0676

Mark E. Griffin, OSB No. 76152
R. Bradley Griffin, OSB No. 07239
Griffin & McCandlish
215 SW Washington St., Suite 202
Portland, OR 97202
mark@markgriffin.com
Telephone: (503) 224-2348
Facsimile: (503) 224-3634

Attorneys for Plaintiffs Justin James and Nicole James

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

JUSTIN JAMES and NICOLE JAMES;

Plaintiffs,

v.

FREMONT REORGANIZING
COMPANY, fka FREMONT
INVESTMENT & LOAN COMPANY,
a California corporation; BRIDGE
CAPITAL CORPORATION, a
California corporation; HSBC BANK
USA, NA, a national banking
association,

Defendants

Case No. CV-08-0397-BR

PLAINTIFFS' MOTION FOR ORDER
DIRECTING SERVICE OF
SUBPOENA BY U.S. MARSHALS
SERVICE

L.R. 7.1 Certificate of Compliance:

Pursuant to L.R. 7.1, plaintiffs' counsel certifies that she has conferred with counsel for

Page 1 - PLAINTIFFS' MOTION FOR ORDER DIRECTING SERVICE OF SUBPOENA BY
U.S. MARSHALS SERVICE

OREGON LAW CENTER
921 SW Washington Street, Suite 516
Portland, Oregon 97205
Tel: 503/473-8319 Fax: 503/295-0676

the defendants about this Motion for Order Directing Service of Subpoena by U.S. Marshals Service. Counsel for Fremont Reorganizing Corporation and HSBC have consented to the filing of this motion. No attempt has been made to confer with an attorney for defaulted defendant Bridge Capital.

Motion:

Plaintiffs move the Court for an order directing the US Marshals Service to serve a deposition subpoena upon Charles Albert Pereida, a critical third-party witness in this case. Although FRCP 45 does not specifically create a process for requesting marshal service of a subpoena, FRCP 4(c)(3) allows for service of a summons and complaint by the marshal by court order, upon the plaintiff's request. This motion is supported by the Declaration of Hope Del Carlo, filed with this motion.

DATED this 14th day of January, 2010.

OREGON LAW CENTER

/s/ Hope A. Del Carlo

Hope A. Del Carlo, OSB No. 00241
921 SW Washington St., Suite 516
Portland, OR 97205
Telephone: (503) 473-8319
Facsimile: (503) 295-0676
hdelcarlo@oregonlawcenter.org

—
GRIFFIN AND McCANDLISH

Mark E. Griffin, OSB No. 76152
R. Bradley Griffin, OSB No. 07239
Griffin & McCandlish
215 SW Washington St, Suite 202
Portland, OR 97202
mark@markgriffin.com
brad@griffinmccandlish.com
Telephone: (503) 224-2348
Facsimile: (503) 224-3634

Of Attorneys for Plaintiffs

Page 2 - PLAINTIFFS' MOTION FOR ORDER DIRECTING SERVICE OF SUBPOENA BY
U.S. MARSHALS SERVICE

OREGON LAW CENTER
921 SW Washington Street, Suite 516
Portland, Oregon 97205
Tel: 503/473-8319 Fax: 503/295-0676